

E-FILED on 5/13/10IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION11 FELTON A. SPEARS, JR. and SIDNEY  
12 SCHOLL, on behalf of themselves and all  
others similarly situated,

13 Plaintiffs,

14 v.

15 WASHINGTON MUTUAL BANK FA, also  
16 known as Washington Mutual Bank, FIRST  
17 AMERICAN APPRAISEIT, a Delaware  
corporation; and LENDER SERVICE, INC.,

18 Defendants.

No. C-08-00868 RMW

ORDER REGARDING MOTION TO SEAL

[Re Docket No. 188]

19 Plaintiffs move to file under seal Exhibits A-O, Q, S, and U attached to the Declaration of  
20 Michael D. Braun in Support of Plaintiffs' Motion for Class Certification and certain portions of  
21 Plaintiffs' Notice of Motion, Motion for Class Certification, and Memorandum in Support which  
22 quote from these exhibits. A request to seal must establish that the document, or portions thereof, is  
23 privileged or protectable as a trade secret or otherwise entitled to protection under the law. Civ. L.  
24 R. 79-5(a). The request must be narrowly tailored to seek sealing of only sealable material. *Id.*

25 Having reviewed the material that plaintiffs seek to file under seal, the court has concerns  
26 about the extent of material which plaintiffs seek to file under seal. With the exception of Exhibits  
27 A and M and the portions of plaintiffs' motion for class certification that quote from these two  
28 exhibits, it appears that there is no basis for filing the remainder of the material under seal. Plaintiffs

1 have represented that they seek to file the designated material under seal because it has been  
2 designated "Confidential" by defendant eAppraiseIT. The court therefore orders the parties to either  
3 explain why all of the designated material is sealable or to submit a narrowly tailored request to file  
4 under seal only those portions of the documents that are sealable material. If the parties do not  
5 submit a satisfactory explanation or an appropriately narrowly tailored request within ten days, the  
6 motion to seal will be denied.

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9 DATED: 5/13/10

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge

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16 Counsel are responsible for distributing copies of this document to co-counsel that have not  
17 registered for e-filing under the court's CM/ECF program.

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20 **Dated:** 5/13/10

CCL  
**Chambers of Judge Whyte**

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